HON'BLE Mrs. JUSTICE T.MEENA KUMARI
AND
HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.10165 OF 2007

DATE: 22-11-2007

Between :

The Congregation of Sisters of St. Aloysius,
Rep. By its President Sister Merry Joseph,
Socio Educational Centre, Gunadala,
Vijayawada-4. … Petitioner

And

1. Government of Andhra Pradesh, rep. By its
   Secretary, Municipal Administration,
   Secretariat Buildings, Hyderabad.,
   And another. ... Respondents

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ORDER : (Per Mrs. Justice T.Meena Kumari)

The petitioner is a society registered under the provisions of the Societies Registration Act, 1860 with an object of promoting educational, industrial and other works as well as allied charitable and social welfare works. It is claimed that the petitioner society is the owner of a building located within the jurisdiction of Vijayawada Municipal Corporation. Aggrieved by the Demand Notice, dated 23-2-2002, issued by the 2nd respondent Corporation, levying the property tax for the building in question, the petitioner filed C.M.A.No.513 of 2002 on the file of the Court of the Additional Senior Civil Judge (FTC), Vijayawada. The said appeal was allowed by judgment dated 31.3.2006 with a direction to the 2nd respondent to pass appropriate orders after conducting an enquiry on the objection petition filed by the petitioner dated 10.10.2001. In pursuance thereof, the 2nd respondent Corporation issued a notice dated 8.8.2006 calling upon the petitioner to furnish certain documents and the same were furnished by the petitioner. However, without conducting any enquiry, the 2nd respondent - the Assistant Commissioner, City Corporation, Circle No.III, Vijayawada, by order dated 27.3.2007 directed the petitioners to pay an amount of Rs.2,97,756/- towards arrears of service charges and on making such payment it was also directed that the appropriate proceedings would be issued granting exemption from

payment of the general tax.

Aggrieved by the same, the present writ petition has been filed contending primarily that in spite of the request made by the petitioner on 2.4.2007 to furnish the details of the arrears of the alleged service charges, the 2nd respondent Corporation failed to furnish the break-up of its alleged liability, but on the other hand basing on the impugned order it was proposed by the 2nd respondent Corporation to seize the property in question. The learned Counsel for the petitioner vehemently contended that the said of action of the respondent is arbitrary and illegal.

In the counter-affidavit filed on behalf of the Corporation, though it is pleaded that the 2nd respondent Corporation has furnished all the required information in the calculation memo, demand deed and self-assessment form, it is not disputed that the break-up of the alleged arrears of service charges to the tune of Rs.2,97,756/- as required by the petitioner is not made available.

In the circumstances, the learned counsel appearing on behalf of the 2nd respondent - Municipal Corporation of Vijayawada has submitted that the 2nd respondent Corporation may be granted liberty to inform the petitioner the break-up of its alleged liability.

Having heard the learned Counsel for both the parties, we see some force in the contention raised by the learned Counsel that the impugned action of the respondent without furnishing the details of the alleged liability of the petitioner towards service charges is arbitrary and illegal.

Accordingly, there shall be a direction to the 2nd respondent Corporation to furnish the figures for the above amount of Rs.2,97,756/- within a period of four weeks from today and on such furnishing the petitioner should submit his objections if he so desires within two weeks thereafter and after affording an opportunity of hearing to the petitioner, the 2nd respondent Corporation should pass

appropriate orders within a period of four weeks thereafter.

Writ Petition is accordingly disposed of. No costs.

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T.MEENA KUMARI, J.

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G. ROHINI, J

Dt.22-11-2007

gbs

Note:- CC by 28-11-2007